

MINUTES OF BENTON COUNTY QUORUM COURT

July 24, 2014

A regular meeting of the Benton County Quorum Court was held on Thursday, July 24, 2014 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Quorum Court Coordinator Janet Reaves called roll as follows:

14 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,
Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Meyers,
Moehring
1 Absent: Carr

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Richard Burress of The Catalyst Church led the prayer.

CHANGES TO THE AGENDA:

JP Jones made motion to move Items “C” “D” and “E” under New Business ahead of “Old Business”, seconded by JP Adams.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Meyers, Moehring
1 absent: Carr

Motion passed.

ELECTED OFFICIALS REPORTS:

None

MINUTES:

JP J. Harrison made motion to approve the minutes of the June 26, 2014 Quorum Court Meeting as distributed, seconded by JP Jones.

Motion passed by unanimous voice vote.

Minutes approved.

COUNTY JUDGE’S REPORT:

County Judge Bob Clinard reported that: 1) Courthouse Feasibility discussions are ongoing and that they are looking at options for financing, phasing and location; 2) Fisher Ford Bridge and Colonel Meyers Bridge are under construction; 3) construction on Windmill Road is ongoing; 4) the City of Bentonville has agreed to request State Aid for improving NE J Street from Tiger Blvd to Price Coffee Road; 5) the Road Department is doing great under new Administrator Jeff Clark; 6) discussions are ongoing about the county’s involvement with access to the new Bentonville West High School; 6) the July Benton County Property Disposal Report is complete.

County Judge Bob Clinard stated that the biggest issue with the county’s involvement to access the new Bentonville West High School is the interface between the roads that lead to the school and the state highway. He stated that the study is supposed to tell us what they think about these intersections, whether there are going to be turning lanes, stop signs, or stop lights.

Centerton Mayor Bill Edwards reported that currently there are approximately 700 vehicles in the Gamble Elementary school area every morning and evening. He stated that the new Bentonville West High School will draw approximately 2,500 new students.

COMMITTEE REPORTS:

JP Allen reported that the Finance Committee had met and that sales tax revenue was down 10.28% for the month of June.

* JP Curry left the meeting.

PUBLIC COMMENTS:

E.J. Miller of Rogers expressed his opposition of placing both the .02 millage increase and the per household fee for Emergency Medical Services (EMS) on the General Election ballot. He urged that the court only place the \$40 fee per household fee on the ballot.

Willene Johnson of Avoca expressed her opinion on placing the .02 millage increase and the \$40 per household fee on the 2014 General Election ballot.

Vickie Carroll of Rogers expressed her support for the .02 per cent millage increase.

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Jones.

Motion passed by unanimous voice vote.

NEW BUSINESS:

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O- 2013-83 (2014 Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0105, Assessor, Fund 1802; Sponsor: JP Joel Jones

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

13 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
2 absent:	Curry, Carr

Appropriation Ordinance duly adopted and assigned **No. O-2014-49.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Amend *Schedule 4- Personnel and Compensation Authorization* by Adding Positions and Deleting Positions, Changing Grades of Certain Positions, and Changing Job Titles of Certain Positions in Various Funds and Departments; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
2 absent: Curry, Carr

Appropriation Ordinance duly adopted and assigned **No. O-2014-50.**

- (E) Proposed Ordinance Amending Sections 2-516 Subsection (10) b.2 and b.3 of the *Code of Ordinances of Benton County, Arkansas* Regarding Specific Benton County Personnel and Salary Administration Policies and Guidelines of the Benton County Employment Policy; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
2 absent: Curry, Carr

First reading passed.

OLD BUSINESS:

- (A) Third Reading of Proposed Ordinance Amending Sections 2-516 and 2-523 of *The Code of Ordinances of Benton County, Arkansas*, all Regarding Benton County Employment Policy: Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed ordinance by title only.

JP Sandlin made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
2 absent: Curry, Carr

Ordinance duly adopted and assigned **No. O-2014-47.**

- (B) Third Reading of Proposed Ordinance Amending Section 13-3 of *The Code of Ordinances of Benton County, Arkansas* Related to the Collector of Fines Assessed by the Courts in Benton County, Arkansas; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

13 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
2 absent: Curry, Carr

Ordinance duly adopted and assigned **No. O-2014-48.**

- (C) Third Reading of Proposed Ordinance Establishing an Ambulance Service Improvement District Co-Extensive with the Boundaries of Benton County, Establishing in the Quorum Court the Authority to Levy up to Two-Tenths (0.2) Mills to Fund Such District's Operations, Referring the Matter to the Electors of the District at the November 4, 2014 General Election, and for Other Purposes; Sponsor: JP Michelle Chiocco

County Attorney George Spence read the proposed ordinance by title only.

JP Chiocco made motion to adopt, seconded by JP Jones.

JP Allen asked that both proposed ordinances Item C and Item D be opened for discussion before a roll call vote is taken.

JP Chiocco withdrew her motion, seconded concurred.

Lengthy discussion was held on placing the proposed ordinance levying up to two-tenths (0.2) mill to fund an ambulance service improvement district, and the ordinance establishing an emergency medical service district by establishing a \$40 per household fee to be included on the tax bills of the residents to fund the district on the November 04, 2014 General Election ballot.

Accounting Manager Mike Crandall reported that the per-household fee would generate approximately \$527,000 a year and the millage would generate approximately \$834,000.

JP Moehring presented a power point presentation outlining the incorporated and unincorporated areas of Benton County. He reported that the total population in unincorporated Benton County is 43,154 and 194,143 in corporate Benton County. He reported that the percentage of the revenue collected from the proposed .20 millage would be 16% percent in the unincorporated areas and 84% percent in the incorporated areas.

JP Moehring stated that he also has concerns of the \$40 per household fee, even though the amount had been lowered. He stated that if both of the proposals are put on the ballot that it is going to be confusing and very difficult for us to explain, and that we need to put our best foot forward and give the county residents the opportunity to vote.

JP Rey Hernandez stated that we need to give the voters every opportunity to make their choice.

Further lengthy discussion was held on placing the proposed ordinances on the ballot and the amount of revenue generated by each of the proposals.

JP Allen stated that it will be a challenge to the court to find the money to fund the Emergency Medical Services (EMS) He stated that he is a believer that people in the county will have to pay for their service.

Meeting recessed.

Meeting reconvened.

JP Jones made motion to adopt, seconded by JP Chiocco.

There being no further discussion, a roll call vote was recorded as follows:

9 yeas:	Hernandez, J. Harrison, K. Harrison, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers
4 nays:	McKenzie, Allen, Adams, Moehring
2 absent:	Curry, Carr

Ordinance duly adopted and assigned **No. O-2014-51.**

- (D) Third Reading of Proposed Ordinance Establishing an Emergency Medical Service District for the Unincorporated Portion of Benton County Not Currently Part of the Northeast Benton County Emergency Medical Service District, Establishing the Services to be Provided by the District, Establishing Fees to Fund the District, Including a \$40 Per Household Fee, Providing That the Per Household Fee Cannot Be Increased Without a Vote of the People, Providing for the Per Household Fees to be Included on the Tax Bills of Residents of the District, and for Other Purposes; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

11 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones, Sandlin, Anglin, Chiocco, Curry, Moehring
2 nays:	Adams, Moore
2 absent:	Curry, Carr

Ordinance duly adopted and assigned **No. O-2014-52.**

NEW BUSINESS

- (A) Proposed Resolution Referring an Ordinance of the Quorum Court Establishing an Ambulance Service Improvement District to the Electors of the District at the November 4, 2014 General Election; Sponsor: JP Michelle Chiocco

County Attorney George Spence explained that it will take nine votes for the resolution to pass.

JP Anglin stated that she had talked with Representative Dan Douglas about the possibility of changing the law regarding the unincorporated areas and a millage increase. She stated that Representative Douglas said that he thought that it was doable to try to get it changed in next year's session.

JP Allen stated that he thinks that they should consider discussing this at the next Legislative Committee meeting regardless if the resolution passes. He added that this is a good discussion item for the legislative meeting to go forward for the future.

County Attorney George Spence read the proposed resolution by title only.

JP Chiocco made motion to adopt, seconded by JP Sandlin.

JP Jones stated that he would have to vote no on the millage increase and yes on the \$40 per household fee for putting on the ballot.

JP Sandlin stated at some point in time we have got to get out and work, educate, share, our information and listen. It is up to the voters to make the choice. She added that it behooves us to make certain that they understand what their choices are, and that we have to get back out to the people and make ourselves available to answer questions. She stated that she thinks that they need a choice.

After further discussion was held on placing the proposed resolutions on the ballot of the General Election November 4, 2014 to give the citizens a choice to vote, a roll call vote was recorded as follows:

7 yeas:	Hernandez, J. Harrison, K. Harrison, Sandlin, Chiocco, Moore, Meyers
6 nays:	McKenzie, Allen, Adams, Jones, Anglin, Moehring
2 absent:	Curry, Carr

Resolution failed.

- (B) Proposed Resolution Referring an Ordinance of the Quorum Court
Establishing An Emergency Medical Services District to the Electors of the
District at the November 4, 2014 General Election; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Allen made motion to adopt, seconded by JP Mike McKenzie.

There being no discussion, a roll call vote was recorded as follows:

6 yeas:	McKenzie, J. Harrison, Allen, Jones, Sandlin, Moehring
7 nays:	Hernandez, K. Harrison, Adams, Anglin, Chiocco, Moore, Meyers
2 absent:	Curry, Carr

Resolution failed.

Other Business:

None

County Attorney George Spence explained that August 26, 2014 is the election law deadline to put something on the ballot, which would require action before the regular scheduled August Quorum Court meeting.

Discussion was held on calling a special Quorum Court meeting to reconsider the resolutions.

JP Jones stated that he favors a special meeting. He commented that of the two Justices are absent tonight and the result at a second meeting, might be different.

County Attorney George Spence suggested that a special Quorum Court meeting could be held after the Committee of the Whole meeting.

Discussion was held on holding a special Quorum Court meeting and that the meeting date could be decided at the next Finance Committee meeting.

Announcements:

JP Allen announced that a Finance Committee meeting will be held Tuesday, August 5, 2014 at 6:00 p.m.

JP Allen announced that a Legislative Committee meeting will be held Monday, August 11, 2014 at 6:00 pm.

JP Chiocco announced that a Grievance Council will meet Tuesday July 29, 2014 at 6:00 p.m.

Adjournment:

There being no further business to come before the court, upon motion and second the meeting was adjourned at 8:45p.m.

Respectfully submitted,

Tena O'Brien
County Clerk
Prepared by Janet Reaves